

## ARGUMENTS

*Claims 1 – 7 and 12 rejected under 35 U.S.C. 102(b) as being anticipated by Silagy (U.S. 5,147,256). Silagy discloses an upper surface area having a raised edge extending the length of the upper surface area further comprising a groove thus forming a crest. (Silagy teaches upper surface having a knurled surface, a knurled surface meeting the requirements of having a raised edge).*

As a general argument common to Claims 1 – 7 and 12, note that all of the cited references other than that of US 1,790,267 to Gordon, teach keys having a generally concave contact surface rather than an elevated contact surface formed by a ridge or crest which provides a major point of contact with a smaller surface area of a fingertip. The smaller surface area is intended to induce callus formation on a part of the fingertip used in playing stringed musical instruments such as a guitar. The concave key surfaces actually teach away from applicant's claimed invention in that a concave surface provides greater surface area for contact with a fingertip and in locations on the fingertip not generally suitable for playing stringed musical instruments. (Gordon teaches a hand grip exercise device which is not specifically applicable to the claimed invention as it does not have keys at all.)

In regards to independent claim 1, applicant has amended claim 1 to further distinguish from the cited references by including the limitations of an elevated crest dimensioned to simulate a string of a stringed instrument. Claim 1 is directed toward a hand exercising device with individual keys which has been modified to generate callused skin on the fingertips of a person intending to play a stringed musical instrument such as a guitar. The cited reference to Silagy does not disclose or otherwise suggest either singularly or in combination with any of the cited references the device of claim 1. As such, claim 1 is made novel and non-obvious by this limitation and is therefore believed allowable.

In regards to dependent claims 2 – 4, applicant believes independent claim 1 is now in an allowable form therefore dependent claims 2 – 4 are also believed allowable.

Claim 3 has been amended to correct a grammatical error only.

In regards to independent claim 5, applicant has amended claim 5 to further distinguish from the cited references by including the limitations of an elevated crest dimensioned to simulate a string of a stringed instrument in which the crest extends above the upper surface area sufficiently to engage a portion of said fingertip.

The cited reference to Silagy does not disclose or otherwise suggest either singularly or in combination with any of the cited references the device of claim 5 having a crest dimensioned to simulate a string of stringed instrument where the crest extends above the upper surface of a key sufficiently to engage a portion of a fingertip. As such, claim 5 is made novel and non-obvious by these limitations and is therefore believed allowable.

In regards to dependent claims 6 and 7, applicant believes independent claim 5 is now in an allowable form therefore dependent claims 6 and 7 are also believed allowable.

In regards to independent claim 12, applicant has amended claim 12 to further distinguish from the cited references by including the limitations of a removable cap and an elevated crest dimensioned to simulate a string of a stringed instrument. The cited reference to Silagy does not disclose or otherwise suggest either singularly or in combination with any of the cited references the device of claim 12 having a removable cap and an elevated crest dimensioned to simulate a string of a stringed instrument. As such, claim 12 is made novel and non-obvious by these limitations and is therefore believed allowable.

**REMARKS**

Claims 1 – 7 and 12 remain in the application; Claims 8 - 11 and 13 - 21 have been provisionally withdrawn in response to earlier Examiner's restriction requirement.

Claims 1, 3, 5 and 12 have been amended. Claims 2, 4, 6 and 7 remain in the application as originally provided.

Antecedent basis for the amendments to the claims is provided in the drawings submitted with the original application.

No new matter has been added by this amendment.

As the amendments to claims 1, 3, 5 and 12 are believed to place the application in a condition for allowance, a timely notice of allowance is respectfully requested.

In view of the Examiner's earlier restriction requirement, applicant respectfully reserves the right of rejoinder or in the alternative, presentation of claims 8 - 11 and 13 – 21 in one or more divisional applications.

The Examiner is invited to contact Applicant at the below listed telephone number if additional information or clarification is required.

Respectfully Submitted,

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